

**REMARKS/ARGUMENTS**

The Office Action mailed June 8, 2005 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claims 1, 3, 8, 10, 15, 22, 24, 29, 31, and 33 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, page 5, lines 8-10. The text of claims 2, 4, 9, 11, 16-18, 23, 25, 32 and 34 is unchanged, but their meaning is changed because they depend from amended claims.

With this amendment it is respectfully submitted the claims satisfy the statutory requirements.

**Interview Summary**

On July 19, 2005, a telephonic interview was conducted between Marc S. Hanish, Reg. No. 42,626 and Examiner Hetul Patel. The Examiner is kindly thanked for allowing this interview. During the interview, the final rejection was discussed. Applicant requested that the Examiner clarify the position of the patent office as to where "entries associated with a particular exception condition" were located in the Homewood reference. The Examiner indicated that the "stop bits" in the Homewood reference corresponded to entries. Applicant pointed out that, even if this is true, the stop bits in Homewood did not appear to correspond to a particular exception condition. The Examiner then indicated that if the claim was reworded to include a limitation as

to the fact that the exception map was utilized in a later stage than when the bit is set, it would overcome the Homewood reference. The Applicant agreed to this suggestion.

Applicant respectfully points out that while Applicant neglected to mention it during the interview, independent Claims 5, 12, 19, 26, 35 already contain a limitation as to the fact that the execution map is utilized at a later stage than when the bit is set, and therefore these claims, and all claims dependent from these claims, are already in allowable form.

#### The 35 U.S.C. § 102 Rejection

Claims 1-37 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Homewood et al.<sup>1</sup> This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.<sup>2</sup>

Each of the claims contains an element such that the execution map is processed or handled at a stage later than the one in which a bit in the execution map is set. All of the prior art, including the Homewood reference, teaches processing an exception at the same stage in which it is first generated (i.e., stopping processing of the packet immediately upon detection of an exception condition and passing processing to an exception handler). Thus, each of the claims

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<sup>1</sup> U.S. Patent No. 6,807,628

<sup>2</sup> Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

contains an element that is not contained in any of the prior art. Hence, all claims are now in allowable form.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

#### Request for Entry of Amendment

Entry of this Amendment will place the Application in better condition for allowance, or at the least, narrow any issues for an appeal. Accordingly, entry of this Amendment is appropriate and is respectfully requested.

#### Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

THELEN REID & PRIEST, LLP

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